

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA

FILED

MAR 20 2019

U.S. DISTRICT COURT - WVND
MARTINSBURG, WV 25401

UNITED STATES OF AMERICA,

v.

TIMOTHY ALAN HIMELRIGHT,

Defendant.

Criminal No.

3: 19cr28

Violations:

18 U.S.C. § 2252A(a)(2)
18 U.S.C. § 2252A(a)(5)(B)
18 U.S.C. § 2252A(a)(6)
18 U.S.C. § 2252A(b)(1)
18 U.S.C. § 2252A(b)(2)

INDICTMENT

The Grand Jury charges that:

COUNT ONE

(Distribution of Child Pornography)

On or about October 2018, at or near Berkeley County, within the Northern District of West Virginia, and elsewhere, the defendant **TIMOTHY ALAN HIMELRIGHT**, did knowingly distribute child pornography, that involves a visual depiction of sexually explicit conduct, where the production of such visual depiction involves the use of a minor engaged in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256(8)(A), that had been shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, in violation of Title 18, United States Code, Section 2252A(a)(2), 2252A (b)(1).

COUNT TWO

(Access with Intent to View Child Pornography)

On or between October 2017 and October 2018, in Berkeley County, in the Northern District of West Virginia, defendant **TIMOTHY ALAN HIMELRIGHT**, did knowingly access with intent to view matter containing an image of child pornography, as defined in Title 18, United States Code Section 2256(8), which had been transported in interstate and foreign commerce by computer, was produced using material that had been transported in interstate and foreign commerce by computer and that involved a pre-pubescent minor and a minor who had not attained 12 years of age; in violation of Title 18, United States Code, Sections 2252A(a)(5)(B), 2252A (b)(2).

COUNT THREE

(Distribution of Child Pornography to a Minor)

On or between October 2017 and October 2018, at or near Berkeley County, within the Northern District of West Virginia, and elsewhere, the defendant **TIMOTHY ALAN HIMELRIGHT**, did knowingly offer and provide child pornography to a minor, that involves a visual depiction of a minor engaging in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256(8)(A), that had been shipped and transported in and affecting interstate commerce by any means, including by computer for purposes of inducing and persuading the minor to participate in illegal activity, in violation of Title 18, United States Code, Sections 2252A(a)(6), 2252A (b)(1).

FORFEITURE ALLEGATION

(Sexual Exploitation of Children)

Pursuant to Title 18, United States Code, Section 2253, the government will seek the forfeiture of property as part of the sentence imposed in this case; that is, the forfeiture of any visual depiction described in Section 2251, 2251A, 2252, 2252A, 2252B, or 2260 of Chapter 110 of Title 18, any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of this chapter, any property, real or personal, used or intended to be used to commit or to promote the commission of such offense or any property traceable to such property, and any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from a violation of Title 18, United States Code, Section 2252A, including, but not limited to, Apple iPhone 8 Plus (MQ9D2) S/N C39WLE28JCLY, HP Laptop S/N CND5373KHY, and a micro SD Card retrieved from a baby monitor camera, all seized from the defendant.

A True Bill,

/s/
Grand Jury Foreperson

/s/
WILLIAM J. POWELL
United States Attorney

Kimberley D. Crockett
Assistant United States Attorney